IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO: 9606 of 2005

Between:

1. D. Srihari, S/o. Venkataswamy, aged about 50 years,

working as Prohibition and Excise Inspector,

Rayavaram, East Godavari District.

2. G. Mohan Rao, S/o. Kondaiah, aged about 49 years,

OCC: Prohibition and Excise Inspector, Tanaku,

West Godavari District.

... PETITIONERS

AND

1. Government of Andhra Pradesh rep. by its Principal Secretary,

Revenue (Excise) Department, Secretariat Buildings, Hyderabad.

2. The Commissioner of Excise, Prohibition & Excise,

Nampally Station Road, Hyderabad.

3. The Deputy Commissioner of Prohibition and Excise, Kakinada,

East Godavari District.

4. The Secretary, General Administration Department, (Services)

Secretariat Buildings, Saifabad, Hyderabad.

5. P. Satyanarayana Prasad, OCC: working as In-charge Assistant

Excise Superintendent, Tekkali Sub-Division, Srikakulam District.

6. P. Srimannarayana, In-charge Sub-Divisional Prohibition

and Excise Officer, Eluru, West Godavari District.

7. U. Srinivas, OCC: In-charge Assistant Excise Superintendent,

O/o. Assistant Commissioner of Prohibition and Excise,

Enforcement Wing, Srikakulam, Srikakulam District,

Kakinada, East Godavari District.

8. M. Satyanarayana, OCC: Prohibition and Excise Inspector,

G.M.R. Vasavi Brewery Ranastalam, Srikakulam District.

9. M. Adiseshu, In-charge Sub-Divisional Prohibition and Excise Officer, Peddapuram, East Godavari District.

...RESPONDENTS

(Respondents 5 to 9, S/o. and age not known to the petitioners)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Certioratri, (a) Call for the record relating to and connected with the judgment and order dated 30.11.2004 rendered in O.A. No. 8340 of 2003 on the file of A.P. Administrative Tribunal, Hyderabad and quash the same holding it as unsustainable; (b) Call for the records on the file of the respondents in proceedings CR 13631/01/CPE/L3, dated 24.05.2002 and the consequential seniority of Zone II issued by the Deputy Commissioner, Prohibition and Excise (3rd respondent herein) in Rc. No. A1 d / 1830/01, dated 29.05.2002 and the provisional integrated seniority list of Multi Zone I in CR. 8854/CE/2002/L3, dated 30.05.2002 and the final integrated seniority list dated 3.8.2002 and quash the same and further; (c) Declare that the petitioners are seniors to the unofficial respondents and further direct the official respondents that al the 25 substantive vacancies and 9 temporary vacancies arisen during the panel year 1984-85 to 1988-89 be allotted and filled by persons who were promoted during the panel year 1984-85 to 88-89 and further direct the respondents not to divert these vacancies, the persons who were promoted prior to 83-84 for the purpose of seniority, promotion, transfer etc., (d) Consequently, direct the respondents No. 1 to 4 to forthwith consider the claims and cases of the writ petitioners for promotion to the next higher post of Assistant Excise Superintendents

in multi-zone-I against any of the vacancies existing or that might arise in future before considering the cases and claims of any other Sub-Inspectors of Prohibition and Excise, who have been so recruits after the year 1977 in which the writ petitioners came to be so recruited and also before considering the cases and claims of any Inspectors of Prohibition & Excise whose services have been regularized on or later to 22.05.1989.

Counsel for the Petitioners MR.NUTY RAM MOHAN RAO

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following:

ORDER: (Per GB, J)

The matter relates to the promotion to the post of Assistant Excise Superintendents from the cadre of Excise Inspectors.

O.A. 8340 of 2003 was disposed of by the A.P. Administrative Tribunal, with the following directions:

> " In the facts and circumstances of the case, this O.A., is disposed of with a direction to the applicants, to file an appeal before the 1st respondent, within 3 weeks from the date of receipt of a copy of this order and the 1st respondent shall pass a detailed speaking order, disposing of the said Appeal within 8 weeks thereafter. No order as to costs."

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. Learned counsel for the petitioners submits that even though number of representations have been filed, no action has been taken and no purpose would be served in filing another representation.

4. Inasmuch as the petitioners were directed to file an appeal, it is necessary that they should follow the orders of the Tribunal.

5. Accordingly, the writ petition is disposed of with a direction that petitioners shall file an appeal within a period of three weeks from today. Thereupon, the Tribunal shall consider the appeal and pass appropriate orders within a period of four weeks thereafter. However, if the appeal is not disposed of within four weeks, the petitioners shall be considered for promotion to the post of Assistant Excise Superintendents, in accordance with the Rules, basing on the Multi-zone seniority. No costs.

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G. BIKSHAPATHY, J

April 29, 2005

N.B. Furnish copy in three days

(B/o)

MRR / VA

_____

P.S. NARAYANA, J

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to. –

1. The Principal Secretary representing Government of Andhra Pradesh,

Revenue (Excise) Department, Secretariat Buildings, Hyderabad.

2. The Commissioner of Excise, Prohibition & Excise,

Nampally Station Road, Hyderabad.

3. The Deputy Commissioner of Prohibition and Excise, Kakinada,

East Godavari District.

4. The Secretary, General Administration Department, (Services)

Secretariat Buildings, Saifabad, Hyderabad.

Two C.C. s to the G.P. for Services – I, High Court of A.P., Hyderabad (OUT)

Two C.D. Copies.